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10 Attorneys for Nominal Defendant
11 Celera Corporation and Defendants
12 Kathy Ordoñez, Joel R. Jung, Ugo DeBlasi,
13 Richard A. Ayers, Jean-Luc Bélingard,
14 William G. Green, Peter Barton Hutt,
15 Gail K. Naughton, Wayne I. Roe, and Bennett M. Shapiro

16 [Additional counsel appear on signature page.]

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 15 In re CELERA CORP. DERIVATIVE LITIG.

21 Case No. 10-cv-02935-EJD(HRL)

22 **DERIVATIVE ACTION**

23 18 This Document Relates To:

24 **STIPULATION AND [PROPOSED]
25 ORDER CONTINUING CASE
26 MANAGEMENT CONFERENCE**

27 ALL ACTIONS

1 Pursuant to Civil L.R. 7-12, the parties, by and through their undersigned counsel of
 2 record, submit the following stipulation and proposed order requesting that the case management
 3 conference currently scheduled for December 2, 2011 be rescheduled to a date and time that is
 4 convenient to the Court after the Court has ruled on defendants' pending motion to dismiss in the
 5 related action entitled *In re Celera Corp. Securities Litigation*, Case No. 10-cv-2604-EJD (HRL)
 6 (the "Securities Action"), currently pending before this Court.

7 WHEREAS, on August 11, 2010, the Court related the above-captioned action to the
 8 action entitled *In re Celera Corp. Securities Litigation*, Case No. 10-cv-2604-EJD (HRL) (the
 9 "Securities Action"), currently pending before this Court [Dkt. No. 7];

10 WHEREAS, pursuant to the August 11, 2010 order, the Court set a case management
 11 conference for December 20, 2010 [Dkt. No. 7];

12 WHEREAS, pursuant to an order dated September 23, 2010, the Court rescheduled the
 13 case management conference for November 15, 2010 [Dkt. No. 13];

14 WHEREAS, pursuant to the parties' stipulation, on November 10, 2010, the Court
 15 rescheduled the case management conference for March 28, 2011 [Dkt. No. 25];

16 WHEREAS, on December 16, 2010, the Court vacated the March 28, 2011 case
 17 management conference as premature [Dkt. No. 27];

18 WHEREAS, on April 22, 2011, Plaintiffs in the present action filed their Amended
 19 Consolidated Verified Shareholder Derivative Complaint (the "Amended Complaint") against
 20 nominal defendant Celera Corporation and certain of its current and former officers and directors
 21 ("Defendants") [Dkt. No. 61];

22 WHEREAS, on April 25, 2011, this action was reassigned to the Honorable Edward J.
 23 Davila [Dkt. No. 62];

24 WHEREAS, on May 10, 2011, the Court ordered the parties' stipulation in the present
 25 action extending Defendants' time to answer, move, or otherwise respond to the Amended
 26 Complaint until the Court resolves the defendants' motion to dismiss in the related Securities
 27 Action [Dkt. No. 70];

1 WHEREAS, defendants' motion to dismiss the Securities Action has been taken under
2 submission by the Court [Dkt. No. 61];

3 WHEREAS, by Clerk's Notice entered on August 24, 2011 [Dkt. No. 73], a case
4 management conference in this action is currently scheduled for December 2, 2011;

5 WHEREAS, it would conserve judicial and party resources to hold the case management
6 conference in this action after the Court has decided the defendants' motion to dismiss the
7 Securities Action;

8 IT IS HEREBY STIPULATED AND AGREED, by the parties through their undersigned
9 counsel of record, subject to approval of the Court, as follows:

10 1. The case management conference currently scheduled for December 2, 2011, shall
11 be rescheduled to a date and time that is convenient to the Court after the Court has ruled on
12 defendants' pending motion to dismiss the Securities Action; and

13 2. The parties shall file a Joint Case Management Conference Statement ten days
14 prior to the conference.

1 Dated: November 22, 2011

MORRISON & FOERSTER LLP
JORDAN ETH
JUDSON LOBDELL

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By: /s/ Judson Lobdell
Judson Lobdell

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12 Gail K. Naughton, Wayne I. Roe, and
13 Bennett M. Shapiro

14 Dated: November 22, 2011

15 ROBBINS UMEDA LLP
16 MARC M. UMEDA
17 GEORGE C. AGUILAR
18 JULIA M. WILLIAMS

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22 By: /s/ George C. Aguilar
George C. Aguilar

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25 Attorneys for Plaintiffs

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29 GARDY & NOTIS, LLP
30 MARK C. GARDY
31 JENNIFER SARNELLI
32 KELLY A. NOTO

33 Co-Lead Counsel for Plaintiffs

34 * * *

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36 ORDER

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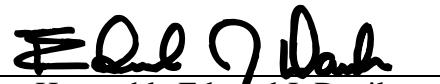
PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: November 23, 2011


41 Honorable Edward J. Davila
42 United States District Court Judge

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1 I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with
3 General Order No. 45, X.B., I hereby attest that George Aguilar has concurred in this filing.

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By: /s/ Judson Lobdell
6 Judson Lobdell

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